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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

Reallocation of Television)

Channels 60-69)

746-806 MHz Band)

ET Docket 97-157

TO: The Commission

REPLY COMMENTS OF BROOKS BROADCASTING, LLC

Brooks Broadcasting, LLC ("Brooks"), by its counsel, submits these reply comments in the instant rulemaking proceeding. Brooks is the permittee of broadcast station KASW-TV, Channel 61, Phoenix, Arizona. KASW-TV has been broadcasting since September 23, 1995, pursuant to automatic program test authorization provided for under Section 73.1620 of the Commission's Rules.

Several commenters in this proceeding have suggested that channels 60-69 be cleared from all use by broadcasters, including LPTV, translators, full-service licensees, those already operating under program test authority, those with construction permits, and those who have applied for construction permits. Not surprisingly, these commenters suggest other uses for this spectrum. Brooks disagrees with these commenters.

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Brooks urges the Commission to allow continued use of channels 60-69 by existing users, at least until the end of the transition to digital television ("DTV"). The DTV transition will, on a temporary basis, effectively double the number of operating full-service television stations in the country, without increasing available broadcast spectrum. Thus, most television markets will experience crowded conditions when DTV stations start broad-casting. Until the transition to DTV is complete, retention of broadcast spectrum by present users of channels 60-69 is crucial. Precisely because of the tremendous amount of spectrum consumed by DTV operation in most television markets, it will not be possible for stations like KASW to move their NTSC operations to other channels before the DTV transition is complete. The required spectrum is simply not available.

The Commission is required to allocate 24 MHz of spectrum to public safety licensees. The Commission has specifically proposed to reallocate four present television broadcast channels (63, 64, 68 and 69) of radiofrequency spectrum to public safety use. Some commenters agreed with this approach to reallocation, stating that 30 MHz of separation between public service frequencies is needed for technical reasons. However, if this approach is taken, the FCC may auction future use of channels 65, 66 and 67 for a variety of uses. The future operations on channels 65 through 67 may interfere with public safety operations on frequencies immediately adjacent to these television channels. Thus, public safety operations on what are now television channels 63, 64 and 68 may experience some harmful interference from intermodulation.

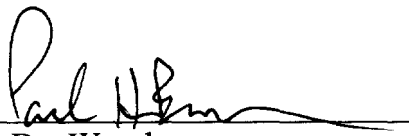
In order to minimize the likely interference phenomena, Brooks suggests that the 24 MHz of spectrum for public safety licensees be allocated in a contiguous block, between 782 and 806 MHz (channels 66-69). Such a plan is particularly meritorious if, as comments of the State of California allege, a "guard" band is needed between full-power television broadcast frequencies and public safety frequencies. It will be easier to protect public safety licensees from harmful broadcast intermodulation interference if the public safety spectrum is not fragmented. The contiguous block of spectrum Brooks proposes for public safety use is immediately adjacent to present public safety frequencies beginning at 806 MHz. Thus, use of the proposed channels will allow present antennas and other public service equipment to operate without extensive modification.

Finally, Brooks notes that the map of Protected Full-Service Stations on Channel 61 (752-758 MHz) found at Appendix B of the proposal is ambiguous regarding the protection to be afforded KASW-TV. As a Full-Service station broadcasting pursuant to program test authority, Brooks believes that the map should show KASW-TV as "protected." However, the copy of the map available to counsel shows no shading for any station, including KASW-TV, in the western half of the country. Perhaps this lack of shading is inadvertent, and was caused by a lack of toner somewhere in the copying process. Whatever the reason for this apparent omission, Brooks urges the Commission to ensure that KASW is included among the "protected" stations for purposes of continuing to broadcast on Channel 61 until DTV transition is effected.

In conclusion, Brooks urges the Commission to allow broadcasters who are now assigned channels 60-69 to continue to use these channels in the public interest until the transition to DTV is complete. The Commission should allocate spectrum to public service and other uses in a manner that promotes efficient use of the spectrum.

Respectfully submitted,

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